

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Wesley J McKeel
Jessica M McKeel
Debtor(s)

Bankruptcy Case No.: 18-70395-JAD
Issued Per Sep. 26, 2019 Proceeding
Chapter: 13
Docket No.: 61 – 44, 47
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 16, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$725 as of October 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim of Portfolio Recovery Associates (Claim No. 11) shall govern as to claim amount, to be paid at the modified plan terms at \$54 per month. Prior distributions to CNAC (Claim No. 1) were proper. Counsel fees are based on a retainer of \$500.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: October 1, 2019

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Wesley J McKeel
 Jessica M McKeel
 Debtors

Case No. 18-70395-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

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 Total Noticed: 27

Date Rcvd: Oct 01, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 03, 2019.

db/jdb +Wesley J McKeel, Jessica M McKeel, 701 Bloom Avenue, Nanty Glo, PA 15943-1005
 14854644 +Aaron's Sales & Lease, Attn: Bankruptcy, Po Box 100039, Kennesaw, GA 30156-9239
 14854647 +CNAC Finance Co., 7550 Leavitt Road, Amherst, OH 44001-2702
 14854651 +First Premier Bank, Po Box 5524, Sioux Falls, SD 57117-5524
 14854653 +Holiday Financial Serv, 300 Walmart Dr Ste 150, Ebensburg, PA 15931-4214
 14883571 +Holiday Financial Services, 300 Walmart Drive Suite 150, Ebensburg, PA 15931-4214
 15035738 +Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619094, Dallas, TX 75261-9094
 14854656 +Pacific Union Financial, 1603 LBJ Freeway, Suite 500, Dallas, TX 75234-6071
 14894067 +Pacific Union Financial, LLC, 1603 LBJ Freeway Suite 500, Farmers Branch, TX 75234-6071
 14885377 +Penelec, C/O FirstEnergy/Penelec, 101 Crawford's Corner Rd, Bldg #1 Suite 1-511, Holmdel, NJ 07733-1976
 14854657 +Penelec, P.O. Box 3687, Akron, OH 44309-3687

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14886165 +E-mail/Text: g20956@att.com Oct 02 2019 04:02:36 AT&T Mobility II LLC, %AT&T SERVICES INC., KAREN A. CAVAGNARO PARALEGAL, ONE AT&T WAY, SUITE 3A104, BEDMINSTER, NJ. 07921-2693
 14854645 +E-mail/Text: EBNProcessing@afni.com Oct 02 2019 04:02:22 Afni, Attn: Bankruptcy, Po Box 3097, Bloomington, IL 61702-3097
 14855940 E-mail/Text: ally@ebn.phinsolutions.com Oct 02 2019 04:01:20 Ally Financial, PO Box 130424, Roseville MN 55113-0004
 14854877 +E-mail/Text: bankruptcy@jdbbyrider.com Oct 02 2019 04:02:53 CNAC, Attn: Bankruptcy Dept., 12802 Hamilton Crossing Blvd., Carmel, IN 46032-5424
 14854646 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 02 2019 03:58:57 Capital One / Yamaha, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 14854648 +E-mail/Text: documentfiling@lciinc.com Oct 02 2019 04:01:19 Comcast Cable, 1 Comcast Center, Philadelphia, PA 19103-2899
 14854649 +E-mail/Text: bdsupport@creditmanagementcompany.com Oct 02 2019 04:02:33 Credit Management Company, Attn: Bankruptcy, 2121 Noblestown Rd, Pittsburgh, PA 15205-3956
 14854650 +E-mail/Text: bnc-bluestem@quantum3group.com Oct 02 2019 04:02:37 Fingerhut, Bankruptcy Dept, 6250 Ridgewood Rd, Saint Cloud, MN 56303-0820
 14854652 +E-mail/Text: bankruptcy@flexshopper.com Oct 02 2019 04:02:59 FlexShopper, LLC, 2700 N. Military Trail, Suite 200, Boca Raton, FL 33431-6394
 14884209 E-mail/Text: JCAP_BNC_Notices@jcap.com Oct 02 2019 04:02:27 Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617
 14854654 E-mail/Text: JCAP_BNC_Notices@jcap.com Oct 02 2019 04:02:27 Jefferson Capital Systems, LLC, Po Box 1999, Saint Cloud, MN 56302
 14884003 +E-mail/Text: ecfbankruptcy@progleasing.com Oct 02 2019 04:02:22 NPRT0 North-East, LLC, 256 West Data Drive, Draper, UT 84020-2315
 14871627 E-mail/PDF: cbp@onemainfinancial.com Oct 02 2019 03:58:55 ONEMAIN, P.O. BOX 3251, EVANSVILLE, IN 47731-3251
 14854655 +E-mail/PDF: cbp@onemainfinancial.com Oct 02 2019 04:00:19 OneMain Financial, Attn: Bankruptcy, 601 Nw 2nd Street, Evansville, IN 47708-1013
 14891264 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 02 2019 04:13:24 Portfolio Recovery Associates, LLC, POB 41067, Norfolk VA 23541
 14854658 +E-mail/Text: ecfbankruptcy@progleasing.com Oct 02 2019 04:02:22 Progressive Leasing, 256 West Data Drive, Draper, UT 84020-2315

TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Byrider Finance, LLC d/b/a CNAC
 cr Nationstar Mortgage LLC d/b/a Mr. Cooper
 cr Pacific Union Financial, LLC
 14878325* +FlexShopper, LLC, 2700 N. Military Trail Suite 200, Boca Raton, FL 33431-6394

TOTALS: 3, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 03, 2019

Signature: /s/Joseph Speetjens

District/off: 0315-7

User: jhel
Form ID: 149

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Total Noticed: 27

Date Rcvd: Oct 01, 2019

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 1, 2019 at the address(es) listed below:

Brian Thomas Langford on behalf of Creditor Byrider Finance, LLC d/b/a CNAC
PitEcf@weltman.com, PitEcf@weltman.com
James Warmbrodt on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor Pacific Union Financial, LLC bkgroup@kmlawgroup.com
Kenneth P. Seitz on behalf of Joint Debtor Jessica M McKeel thedebterasers@aol.com
Kenneth P. Seitz on behalf of Debtor Wesley J McKeel thedebterasers@aol.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 7